HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 965 of 2006

1. Ranjeet Walia w/o Balwant Singh
2. Manjeet Walia s/o Balwant Singh
3. Sachin Walia s/o Ranjeet Walia
4. Gaurav s/o Manjeet Walia
   All residents of village Jagjeetpur, P.S. Kankhal
   District Haridwar

.... Applicants

Versus

1. State of Uttaranchal
2. Neeraj Walia s/o Kadam Singh
   Village Ragjeetpur, P.S. Kankhal
   District Haridwar .....Respondents

Dated: 29.11.06

Hon'ble Rajesh Tandon, J.

Heard Sri Sanjeev Singh counsel for the applicants and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the petitioner has prayed for quashing of the proceedings of Criminal Case No. 1103 of 2005, Neeraj Walia vs. Rajeet Walia and others pending in the Court of Judicial Magistrate, Haridwar.

Briefly stated respondent no. 2 Neeraj Walia has filed a complaint against the applicants in the Court of Judicial Magistrate, Haridwar. After recording the statement of the complainant under section 200 and his witnesses under section 202 Cr.P.C. the learned Magistrate took cognizance under

section 323, 504, 452, 147, 506 I.P.C. and issued notice to the applicant.

So far as the instant petition under section 482 Cr.P.C. is concerned no interference can be made under section 482 Cr.P.C. as both the parties will be at liberty to lead the evidence in view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. vs. Biological E. Ltd. and others (2003) 3 SCC 269.

Since the trial has to take place on the basis of complaint for the offences under aforesaid sections, therefore, without expressing any opinion on the merits of the case, I direct the applicants to appear before the Magistrate concerned and the court will permit them to file appearance bond to the satisfaction of the Magistrate concerned for their regular appearance in the case.

Subject to the observations made above, application under Section 482 Cr.P.C. is dismissed.

Rajesh Tandon, J.

Dated: 29.11.2006

*Dhyani